

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 36

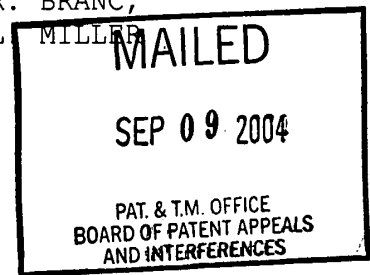
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOEL D. STANFIELD, JOSEPH R. BRANC,
THOMAS G. FELDPAUSCH, and WILLIAM L. MILLER

Appeal No. 2003-1461
Application No. 08/998,302

ON BRIEF



Before HAIRSTON, GROSS, and BLANKENSHIP, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 63. After submission of the Supplemental Appeal Brief (paper number 31), the examiner found allowable subject matter in claims 53 through 63 (answer, page 2). Accordingly, claims 1 through 52 are still before us on appeal.

The disclosed invention relates to a file tracking system that addresses a file folder and a file folder retainer, and receives a response from both.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A file tracking system comprising:

a database for maintaining file location and unique file addresses for a plurality of files;

a processor for interfacing with said database and issuing control signals;

a bus connected to said processor;

a folder retainer connected to said processor by said bus; and

a plurality of file folders, each file folder including an addressable device adapted to be electrically connected to said bus when the file folder is placed in said folder retainer, each addressable device being responsive to a control signal including the unique address associated with the addressable device to transmit a signal back to said processor so that said processor may maintain the file location of each file in said database.

The references relied on by the examiner are:

Leighton	3,701,987	Oct. 31, 1972
Kott	4,376,936	Mar. 15, 1983
Wakura	5,063,380	Nov. 5, 1991
Foster	5,287,414	Feb. 15, 1994
Warren et al. (Warren)	5,389,919	Feb. 14, 1995
	(effective filing date	Oct. 17, 1990)
Doyle	5,426,284	Jun. 20, 1995
	(effective filing date	Dec. 12, 1990)
Smith et al. (Smith)	5,455,409	Oct. 3, 1995
		(filed Aug. 16, 1993)

"Touch the Future," Automatic Identification by Dallas Semiconductor, pp. 1-9 (1993).

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Claims 1 through 6, 11 through 14, 16, 18 and 38 through 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Kott.

Claims 7 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Kott and Foster.

Claims 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Kott, Foster and Doyle.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Kott and the Dallas Semiconductor publication.

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Kott and Leighton.

Claims 19 through 45 and 47 through 52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Kott and Wakura.

Claim 46 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Kott, Wakura and Warren.

Reference is made to the supplemental brief (paper number 31), the reply brief (paper number 33) and the answer (paper number 32) for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will sustain the obviousness rejections of claims 34 through 52, and reverse the obviousness rejections of claims 1 through 33.

Smith discloses a processor 52 that issues control signals to other components in a file folder locating system (Figure 6). A plurality of buses 150 through 158 and a file folder retainer 12 are connected to the processor. A plurality of file folders/tape cartridges 10 are located in tape cartridge receptacles 44 in the retainer 12. An addressable EEPROM attached to each of the file folders/tape cartridges is addressed with the volser¹ number of the file folder/tape cartridge to which it is attached (column 8, lines 37 through 48). Each of the tape cartridge receptacles 44 includes contacts 38, 40a through 40c that make electrical contact with the addressable EEPROMs located on each of the file folders/tape cartridges 10 (Figures 1, 3A and 3B). Smith teaches that even when the file

¹ Volser number refers to the volume serial number of the tape cartridge (column 1, lines 60 through 62; column 5, lines 61 through 67).

folder/tape cartridge is rotated 180 degrees, the contacts and the EEPROM will still make proper electrical contact (Figures 5A and 5B; column 9, lines 30 through 61).

We agree with the examiner's findings (answer, page 4) that Smith uses polling of the system to locate each of the file folders, and that "Smith does in fact disclose the use of a central database in a file retrieval system, however Smith chooses not to utilize such a database." More specifically, Smith teaches (column 26, lines 61 through 64) that "no central data base of the coded articles is required, thereby avoiding the difficulties and problems involved in the maintenance and updating of such central data bases." Based upon the non-preferred embodiment teachings of Smith, the skilled artisan would have found it obvious to use a central data base for the file folders/tape cartridges if "the maintenance and updating of such central data bases" is not a major concern of the owner of the file location system.

In view of the foregoing, we find that all of the limitations of independent claims 34 through 36, 38 and 43 read directly on or would have been suggested by the teachings of Smith. In sustaining a multiple reference rejection under 35 U.S.C. § 103(a), the Board may rely on one reference alone

without designating it as a new ground of rejection. In re Bush, 296 F.2d 491, 496, 131 USPQ 263, 266-67 (CCPA 1961); In re Boyer, 363 F.2d 455, 458 n.2, 150 USPQ 441, 444 n.2 (CCPA 1966). The obviousness rejections of claims 37, 39 through 42 and 44 through 52 are sustained because appellants have chosen to let these claims stand or fall together (brief, page 9), and because appellants have not presented any patentability arguments directed to how these dependent claims differ from the purported teachings in the additional references to Kott,² Wakura and Warren.

Turning to claims 1 through 18, Smith's microcontroller 300, as opposed to the addressable EEPROM at each file folder/tape cartridge, transmits a signal back to the processor (column 21, lines 28 through 42) (supplemental brief, pages 40 through 42). When an object is located in Kott's search system, a luminous viewer is activated, and a signal is not transmitted back to the control device (column 3, lines 36 through 48). Thus, the obviousness rejection of claims 1 through 18 is reversed.

Turning to claim 19, we agree with the appellants' argument (supplemental brief, page 45) that there is no need in the Smith

² The file polling teachings of Kott are merely cumulative to those found in Smith.

system "to transmit a control signal that includes both the code of the file and the code of the folder retainer." Neither Kott nor Wakura discloses both addressable files as well as addressable file retainers. Accordingly, the obviousness rejection of claim 19 is reversed.

The obviousness rejection of claims 20 through 33 is reversed because the applied references do not disclose "a unique drawer address of each file drawer," "an addressable drawer indicator switch including a unique drawer address" (claims 20 through 22), "a unique identification code associated with a receiver at the present location of the file" (claims 23 through 27), "a unique identification code associated with a folder retainer in which the file is located," "an indicator light on the file" (claims 28 and 29), and "each file folder including an addressable switch"³ (claims 30 through 33).

³ As indicated supra, Smith discloses an addressable EEPROM as opposed to an addressable switch.

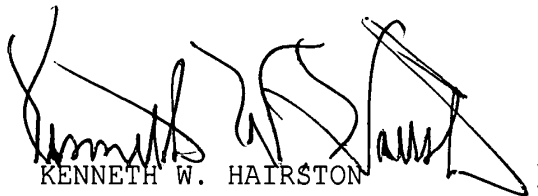
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DECISION


The decision of the examiner rejecting claims 1 through 52 under 35 U.S.C. § 103(a) is affirmed as to claims 34 through 52, and is reversed as to claims 1 through 33.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART


KENNETH W. HAIRSTON
Administrative Patent Judge)


ANITA PELLMAN GROSS
Administrative Patent Judge)


HOWARD B. BLANKENSHIP
Administrative Patent Judge)

BOARD OF PATENT
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